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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 EON-NET L.P.,

13 Plaintiff,

14 v.

15 FLAGSTAR BANCORP,

16 Defendant.

CASE NO. C05-2129RSM

ORDER ON MOTION FOR
RECONSIDERATION

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18 Plaintiff Eon-Net has moved for reconsideration of the Court's January 4, 2010 Order on fees
19 and costs, Dkt. # 188. Such motions are disfavored and will be denied in the absence of "a showing of
20 manifest error in the prior ruling or a showing of new facts or legal authority which could not have been
21 brought to its attention earlier. . . ." Local Rule CR 7(h)(1). The Court deems it unnecessary to direct
22 defendant to respond to the motion.

23 Plaintiff has supported the motion with declarations that attempt to explain or refute deposition
24 testimony cited by the Court in its Order. Counsel also states that he "never sought to disclaim
25 responsibility" for an "error" in an interrogatory response that the Court discussed in its Order. Rather,
26 he "was simply attempting to explain" how the "error" happened. Declaration of Jean-Marc
27 Zimmerman, Dkt. # 189-2. However, it was not the "error" aspect of the interrogatory response which
28 the Court found troubling. *See*, Order, p. 19-20. The Court found that the interrogatory response

1 demonstrated plaintiff's "cavalier attitude" toward the patent litigation process, and counsel's attempt to
2 dismiss the response—which he signed—as an "error" made by his assistant only exacerbated the
3 problem. *Id.* His attempt to explain his intent here has similar effect.

4 Plaintiff has also presented a declaration indicating that additional patents have been issued to
5 Dr. Medina after the Court filed its Order on Claim Construction, and after Dr. Medina provided a copy
6 of that Order to the Patent Office. Declaration of Mitchell Medina, Dkt. # 189-3. This is, however, not
7 a "new fact"; plaintiff advised the Court on December 23, 2009, of the issuance of the '383 and '768
8 patents, and of Dr. Medina's disclosure of the Order on Claim Construction to the Patent Office, and this
9 information was considered by the Court. Dkt. # 187. Indeed, the new patents were discussed by the
10 Court in its Order. Dkt. # 188, p. 2.

11 Plaintiff's motion for reconsideration amounts to explanation and re-argument of matters already
12 addressed in the Court's Order, and fails to demonstrate either manifest error, or new facts or legal
13 authority which could not have been presented earlier. The motion for reconsideration (Dkt. # 189) is
14 accordingly DENIED, for failure to meet the standard set forth in Local Rule CR 7(h)(1).

15 DATED this 3 day of February 2010.

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18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
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